

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 17, 2002  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Mayor Bell read a proclamation proclaiming June 2002 as Homeownership Month.

City Manager Conner recognized Interim Police Chief Chalmers who presented Officer Steve Hall with the North Carolina Governor's Crime Commission's 2001 Crime Prevention Award for Excellence. Also, she recognized Solid Waste Director David McCary who congratulated employees of his department for hosting the State Road-E-O and presented awards to employees of Solid Waste and Environmental Resources. In addition, the Manager presented Housing & Community Development Director Charlene Montford with the John A. Sasso National Community Development Week Award.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested: 1) Consent Item #18 [West Chapel Hill Street Commercial Renovation] be removed from the agenda; 2) a closed session regarding the performance of a City employee pursuant to G. S. 143-318-11(a)(6), and 3) to add items to the agenda [Multi-Modal Transportation Center Contract and Resolution of the upcoming trip of Mayor and Mrs. Bell to the US - China Forum and International Ocean Festival in Tshingdao, China].

**MOTION** by Council Member Clement seconded by Council Member Cole-McFadden to add items to the agenda as noted by City Manager was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

There were no priority items from the City Attorney.

City Clerk Gray swore in James Edward Vaughn as a member of the Cable TV Advisory Board.

Mayor Bell added an item to the agenda regarding the evaluation of Council employees. Also, he noted that he will send a letter to Kostroma informing them that the co-chairs of Sister Cities will be representing the City during their celebration or two representatives from the City of Durham.

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Council Member Stith requested that he be excused from the Special City Council Meeting on June 18, 2002.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to excuse Council Member Stith from the Special City Council Meeting on June 18, 2002 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items # 24 [Lease Agreement - SprintCom, Inc.]; 25 [Sale of City Tract #1635- University Drive and Lyckan Parkway]; 26 [Contract ST-214—B & B Paving Company]; 51 [North East Central Durham—Rolling Hills Project]; 53 [Welfare to Work Program]; and 55 [Durham Housing Authority - Appointment] were pulled from the Consent Agenda. Also, Item #18 [West Chapel Hill Street Commercial Renovation] was removed from the agenda.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the official City Council minutes for the following meetings was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

April 15, 2002 – Regular Meeting  
May 6, 2002 – Regular Meeting

**SUBJECT: HUMAN RELATIONS COMMISSION - REAPPOINTMENT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to reappoint Richard W. Owen to the Human Relations Commission. The term will expire June 30, 2005 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: CITIZENS ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill vacancies on the Citizens Advisory Committee for one Target Area Member and one City Wide Member. The terms will expire June 30, 2005 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to direct the City Clerk to re-advertise for a citizen to fill one vacancy on the Human Relations Commission for an Other Racial Minority Group Member (Male). The term will expire June 30, 2003 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: SC02-2 SUMTER STREET, MAXWELL STREET, GATTIS STREET CLOSING**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution to consider closing 203.78 ± linear feet (.132 ± acre) of Gattis Street, 1,061.70 ± linear feet (.710 ± acre) of Maxwell Street, and 295.43 ± linear feet (.099 ± acre) of Sumter Street; and

To set a public hearing for August 5, 2002 to receive public comment on closing 203.78 ± linear feet (.132 ± acre) of Gattis Street, 1,061.70 ± linear feet (.710 ± acre) of Maxwell Street, and 295.43 ± linear feet (.099 ± acre) of Sumter Street was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8874**

**SUBJECT: SC01-3 RONEY STREET CLOSING**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution of Intent to close a 309 linear foot portion of Roney Street, between Hunt Street and Corporation Street; and

To set a public hearing for August 5, 2002, to receive public comment on closing a 309 linear foot portion of Roney Street, between Hunt Street and Corporation Street was

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approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8875**

**SUBJECT: BID REPORT – APRIL 2002**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes the following bids and items displayed that were acted upon by the City Manager during the month of April 2002 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**CITY OF DURHAM NORTH CAROLINA**

May 21, 2002

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Navdeep S. Gill, Finance Director  
Kenneth C. Pennoyer, Assistant Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **April 2002**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

**1. Bid: Police Department Laptop Computers for the Mobile Data Program**

Purpose of Bid: To purchase additional Laptop Computers for the Mobile Data Program.

Comments: In June 2001, a contract was awarded to USAT to provide the City with Laptop Computers for the Mobile Data Program. The contract provided for additional purchases through June 2002.

On March 4, 2002, the City Council authorized the use of Federal Asset Forfeiture funds to purchase additional Laptop computers for the Police Department.

Opened: May 17, 2001

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Bidders: USAT  
\*\$19,380.00  
Chapel Hill, NC

\*Awarded based on: \_\_\_\_\_ Low Bid **X** Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	4		# Black Males	0	0%
Total # Females	2	50%	# White Males	2	50%
Total # Males	2	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	50%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**2. Bid: Steel U-Channel Posts**

Purpose of Bid: To provide the Transportation/Sign Shop with U-Channel Posts

Comments: 2,000 @ \$10.45 each

Opened: March 12, 2002

Bidders:	Vulcan Signs	*\$20,900.00
	Foley, AL	
	Matlack Sales	\$24,700.00
	Fayetteville, NC	

\*Awarded based on: **X** Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	142		# Black Males	21	19%
Total # Females	29	21%	# White Males	89	79%
Total # Males	113	79%	# Other Males	3	02%
			# Black Females	4	14%
			# White Females	24	83%
			# Other Females	1	03%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

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The M/WBE Data Base was used in the solicitation of bids for this item.

**3. Bid: Non-metallic chain for Environmental Resources**

Purpose of Bid: This chain is used in the drinking water sedimentation basins at the Brown WTP. Carotek, Inc., is the only known source for this chain.

Comments: Carotek, Inc. is the only known source

Opened: April 5, 2002

Bidders: Carotek, Inc. \*\$43,178.00  
Matthews, NC

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	144		# Black Males	0	0%
Total # Females	36	25%	# White Males	101	70%
Total # Males	108	75%	# Other Males	7	4%
			# Black Females	0	0%
			# White Females	35	24%
			# Other Females	1	1%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

**4. Bid: Mailing and Printing (108,000 brochures) for Environmental Resources for The Annual Water Quality Report for City of Durham Customers.**

Purpose of Bid:

Comments:

Opened: April 10, 2002

Bidders: Litho Industries \*\$14,968.00  
Raleigh, NC  
Theo Davis Sons \$17,640.00  
Zebulon, NC  
Universal Printing \$19,144.16  
Durham, NC  
Progressive Business \$19,637.64  
Raleigh, NC

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	190		# Black Males	31	16.3%
Total # Females	66	34.84%	# White Males	80	42.1%
Total # Males	124	65.26%	# Other Males	13	6.8%
			# Black Females	7	3.7%
			# White Females	33	17.4%
			# Other Females	25	13.7%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Tailgate Assembly for a Leach Refuse Collection Vehicle**

Purpose of Bid: To purchase a tailgate assembly for a Leach Refuse Collection Vehicle

Comments: Amick Equipment is the sole source for “Leach” parts, sales, and service.

Opened: April 30, 2002

Bidders: Amick Equipment, Inc. \*\$18,520.36  
Lexington, SC

\*Awarded based on: \_\_\_\_\_ Low Bid    **X** Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	19		# Black Males	0	0%
Total # Females	2	11%	# White Males	17	89%
Total # Males	17	89%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	11%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

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**SUBJECT: BIDS – COPIER RENTAL SERVICE PLAN - SYSTEL BUSINESS EQUIPMENT COMPANY, INC.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Systel Business Equipment Company, Inc., in the estimated amount of \$361,539 for providing the City with a Copier Rental Service Plan for a period of thirty-six months; and

To authorize the City Manager to enter into a contract with Systel Business Equipment Company, Inc., in the estimated amount of \$361,539 for providing the City with a Copier Rental Service Plan for a period of thirty-six months; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR LIQUID FERRIC CHLORIDE - PVS TECHNOLOGIES, INC.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from PVS Technologies, Inc., in the estimated amount of \$172,900.00 for providing the City with its Estimated Annual Requirements for Liquid Ferric Chloride; and

To authorize the City Manager to enter into a contract with PVS Technologies, Inc., in the estimated amount of \$172,900, for providing the City with its Estimated Annual Requirements for Liquid Ferric Chloride; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INCREASE IN FUNDING FOR STREET RESURFACING CONTRACT ST-210 – REA CONSTRUCTION COMPANY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the expenditure of an additional \$5,661 from Community Development Block Grant funds for work required under street resurfacing contract ST-210 was approved at



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7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCE - CHANCELLORS RIDGE - PHASE IIA-  
CHANCELLORS RIDGE - PHASE IIB – CANDLEWICK -  
BRIDGEFIELD PLACE - AUBURN SUBDIVISION - FRAZIER  
FOREST III - MAGNOLIA PLACE - HOPE VALLEY FARMS -  
COPPER CREEK AT AUBURN - GATEWOOD FOREST -  
GRANDALE PLACE - MARBREY LANDING - SOUTHPOINT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept certain streets in Chancellors Ridge, Phase IIA, Chancellors Ridge, Phase IIB, Candlewick, Bridgefield Place, Auburn Subdivision, Frazier Forest III, Magnolia Place, Hope Valley Farms, Copper Creek at Auburn, Gatewood Forest, Grandale Place, Marbrey Landing, Southpoint, as listed, for maintenance by the City of Durham was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Chancellors Ridge – Phase IIA**

- 1) **Chancellors Ridge Drive** – from the Phase I construction eastward to the end of construction at STA 28+07 (1,807), and
- 2) **Marist Court** – from the centerline of Chancellors Ridge Drive southeast thru the cul-de-sac (555'), and
- 3) **Coach Terrace** – from the centerline of Chancellors Ridge Drive south thru the cul-de-sac (258').)

**Chancellors Ridge – Phase IIB**

- 1) **Chancellors Ridge Drive** – from the west ditch line of Fayetteville Road west around the traffic circle to STA 28+07 (850'), and
- 2) **Baccalaureate Boulevard** – from the centerline of Scholastic Circle southeast to the centerline of Chancellors Ridge Drive (911'), and
- 3) **Scholastic Circle** – from the centerline of Baccalaureate Boulevard south then around and back to the centerline of Baccalaureate Boulevard (2,236'), and
- 4) **Professor Place** – from the centerline of Baccalaureate Boulevard east to the end of construction at STA 18+50 (850'), and
- 5) **Curriculum Court** – from the centerline of Scholastic Circle south thru the cul-de-sac (111'), and

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**Candlewick**

- 1) **Candlewick Way** – from the north curb line of Horton Road northeast thru the cul-de-sac (860’)

**Bridgefield Place**

- 1) **Bridgefield Place** – from the end of the existing pavement east thru the cul-de-sac (700’)

**Auburn Subdivision**

- 1) **Piney Park Lane** – from the centerline of Woodcroft Parkway south thru the cul-de-sac (440’), and
- 2) **Pinestraw Way** – from the centerline of Woodcroft Parkway north the east thru the cul-de-sac (724’)

**Frazier Forest III**

- 1) **Glenrose Drive** – from the end of the existing pavement @ STA 18+03 north thru the cul-de-sac (476’), and
- 2) **Sidneys Way** – from the centerline of Glenrose Drive east thru the cul-de-sac (591’)

**Magnolia Place**

- 1) **Oleander Drive** – from the north curb line of Lumley Road north to the centerline of Carnation Drive (2,729’)
- 2) **Carnation Drive** – from the centerline of Oleander Drive north then east to the end of construction @ STA 9+50 (1,488’), and
- 3) **Mistletoe Lane** – from the centerline of Carnation Drive east to the centerline of Oleander Drive (614’), and
- 4) **Mayflower Court** – from the centerline of Carnation Drive northwest thru the cul-de-sac (180’), and
- 5) **Laurel Leaf Court** – from the centerline of Oleander Drive west thru the cul-de-sac (456’)

**Hope Valley Farms**

- 1) **S. Roxboro Street** – from the end of existing pavement @ STA 104+00 northward to end of construction @ STA 150+50 (4,600’)

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**Copper Creek at Auburn**

- 1) **Crimson Creek Drive** – from the centerline of Woodcroft Parkway south thru the cul-de-sac (1,335'), and
- 2) **Red Hat Lane** – from the centerline of Copper Creek Drive to the centerline of Crimson Creek Drive (524'), and
- 3) **Goldmist Lane** – from the centerline of Copper Creek Drive east to the centerline of Crimson Creek Drive (554'), and
- 4) **Copper Creek Drive** – from the centerline of Woodcroft Parkway southeast to the centerline of Crimson Creek Drive (1,167'.)

**Gatewood Forest**

- 1) **Burrell Road** – from the south curb line of Freeman Road south thru the cul-de-sac (1,933'), and
- 2) **Playgate Court** – from the centerline of Burrell Road west thru the cul-de-sac (682'), and
- 3) **Onyx Court** – from the centerline of Burrell Road southeast thru the cul-de-sac (113'), and
- 4) **Moonstone Court** – from the centerline of Playgate Court southwest thru the cul-de-sac (387'), and
- 5) **Portico Lane** – from the centerline of Burrell Road west to the City Limit Line @ STA 13+55 (355'), and
- 6) **Destrier Drive** – from the centerline of Burrell Road east to the City Limit Line @ STA 11+78 (178'.)

**Grandale Place**

- 1) **Park Glen Place** – from the west curb line of Grandale Road west thru the cul-de-sac (1,881'), and
- 2) **Goldenview Court** – from the centerline of Park Glen Place west thru the cul-de-sac (856'), and
- 3) **Goldenview Court** – from the centerline of Park Glen Place east thru the cul-de-sac (709'), and
- 4) **Granbury Drive** – from the centerline of Goldenview Court north to the centerline of Park Glen Place (611'), and

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- 5) **Grandhaven Drive** – from the centerline of Goldenvue Court south past Grandover Place to the end of construction @ STA 42+00 (768'), and
- 6) **Grandover Drive** – from the west curb line of Grandale Road west thru the cul-de-sac (1,345'), and
- 7) **Lakedale Drive** – from the centerline of Park Glen Place south to the centerline of Grandover Drive (548'), and
- 8) **Scenic Court** – from the centerline of Park Glen Place south thru the cul-de-sac (236'.)

**Marbrey Landing**

- 1) **Thistlerock Lane** – from the end of construction @ STA 21+00 east thru the cul-de-sac (651'), and
- 2) **N. Berrymeadow Lane** – from the end of existing construction @ STA 12+40 north thru the cul-de-sac (355'), and
- 3) **Marbrey Drive** – from the centerline of Thistlerock Lane north to the end of construction @ STA 14+50 (450'), and
- 4) **Sugar Grove Court** – from the centerline of Marbrey Drive east thru the cul-de-sac (144'), and
- 5) **Whistler Wood Court** – from the centerline of Marbrey Drive west thru the cul-de-sac (269'.)

**Southpoint**

- 1) **Renaissance Parkway** - from the west curb line of Fayetteville Road westward to the end of construction at STA 33+85.87 (2,938'.)

**SUBJECT: RAILROAD CROSSING IMPROVEMENTS FOR LIBERTY STREET CROSSING NUMBER 470 636F - N.C. DEPARTMENT OF TRANSPORTATION [NCDOT]**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution authorizing the City Manager to enter into a municipal agreement with N.C. Department of Transportation for the design, installation, and maintenance of railroad crossing warning devices at Liberty Street; and

To authorize the estimated expenditure of \$10,000 from the Federal and State Transportation Matching Capital Projects fund account for the City's 10% share of the project was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro

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Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8876**

**SUBJECT: RAILROAD CROSSING IMPROVEMENTS FOR RAMSEUR STREET CROSSING NUMBER 470 640V - N.C. DEPARTMENT OF TRANSPORTATION [NCDOT]**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution authorizing the City Manager to enter into a municipal agreement with N.C. Department of Transportation for the design, installation, and maintenance of railroad crossing warning devices at Ramseur Street; and

To authorize the estimated expenditure of \$100,000 from the Federal and State Transportation Matching Capital Projects fund account for the City's 10% share of the project was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8877**

**SUBJECT: PARKING CHANGES - CLUB BOULEVARD EAST AND WEST OF GLENDALE AVENUE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the following ordinances was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- 1) an ordinance to repeal Ordinance #1513, adopted May 7, 1956, establishing a loading and unloading zone on the north side of Club Boulevard for a distance of 300 feet west of the west curb line of Glendale Avenue, between the hours of 7:00 a.m. and 6:00 p.m.;

**Ordinance #12577**

- 2) an ordinance prohibiting parking at any time at the following locations:
  - a. on the north side of Club Boulevard in the area beginning at the west curb line of Glendale Avenue, if extended, and extending for a distance of 70 feet westward; and
  - b. on the north side of Club Boulevard in the area beginning at the east curb line of Glendale Avenue, if extended, and extending for a distance of 76 feet eastward.

**Ordinance # 12578**

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**SUBJECT: SPEED LIMIT REDUCTIONS - MIAMI BOULEVARD AND NC 54  
– BETHESDAY ELEMENTARY SCHOOL**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the following speed limit ordinances was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. An ordinance establishing a 45 mile per hour speed limit at the following locations:
  - a. on S. Miami Boulevard (SR 1959) from NC 54 northward to US 70; and
  - b. on NC 54 from the Durham/Wake County Line northward to S. Miami Boulevard (SR 1959).

**Ordinance #12579**

2. An ordinance establishing a 35 mile per hour speed limit in effect for 30 minutes before and after school begins and ends on school days only for Bethesda Elementary School on S. Miami Boulevard (SR 1959) from a point 0.25 mile south of Ellis Road (SR 1954) northward for 0.35 mile.

**Ordinance # 12580**

**SUBJECT: WEST CHAPEL HILL STREET COMMERCIAL RENOVATION  
AMEND SCOPE OF SERVICES AND PAYMENT FOR EDI-  
SPECIAL PROJECTS SUB RECIPIENT AGREEMENT WITH  
DURHAM COMMUNITY LAND TRUSTEES, INC. (DCLT) –  
AMENDMENT #3**

To authorize the City Manager to execute the third amended EDI-SP subrecipient contract between the City of Durham and Durham Community Land Trustees, Inc., revising the contract to reflect renovations only to Building A.

**Note: This item was removed from the agenda at the request of the City Manager.**

**SUBJECT: EXTENDING THE SUNSET PERIOD FOR THE M/WBE  
ORDINANCE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance extending the sunset period of the ordinance to promote City contracting with Minority and Women Business Enterprises to midnight, December 31, 2002 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**Note: No ordinance provided in the supporting information.**

**SUBJECT: ACQUISITION FOR THE WIDENING OF FAYETTEVILLE ROAD  
– THE WOODCROFT COMPANY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the acquisition of approximately 13,148 square feet of fee simple right of way, a construction easement containing approximately 16,375 square feet and damages to the remainder, Tax Map 522-02-004G, PIN 0729-03-11-9525, property of The Woodcroft Company, for \$175,000 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: OPTION TO PURCHASE PROPERTY CONTAINING  
APPROXIMATELY 0.053 ACRES AT THE CORNER OF  
MARTHA AND LINCOLN STREET, TAX MAP 180-040-044A, FOR  
THE EXPANSION, RENOVATION AND UPGRADING OF  
FACILITIES AT NORTH CAROLINA CENTRAL UNIVERSITY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to declare the two small parcels at the corners of Martha and Lincoln Streets, known as Tax Map 180-04-044A, PIN 0830-05-08-4176, as surplus; and

To authorize the City Manager to execute the Option to Purchase; and

To authorize the Mayor to execute the deed if the Option To Purchase is exercised was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INTERNET SERVICE PROVIDER - VERIZON NETWORK  
INTEGRATED CORPORATION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a thirty-six (36) month contract with Verizon Network Integrated Corporation in the estimated amount of \$22,392 for furnishing the City of Durham with Internet service; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: TELEPHONE COMMUNICATION SYSTEMS ANNUAL  
MAINTENANCE AGREEMENT - VERIZON SOUTH, INC.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a one year maintenance Agreement for Office Hour Coverage from Verizon South, Inc. in the amount of \$48,118 for furnishing the City of Durham with maintenance service on the telephone communication systems for a twelve (12) month period beginning July 1, 2002 to June 30, 2003; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: UPDATE ON CODE ENFORCEMENT ACTIVITIES**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the report on code enforcement activities was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: RECREATION FACILITIES ACCESSIBILITY PRESENTATION –  
CENTER FOR UNIVERSAL DESIGN - EDISON JOHNSON AND  
CAMPUS HILLS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Center for Universal Design regarding accessibility of Edison Johnson and Campus Hills pool facilities was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PICKETT ROAD SIDEWALK**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation from staff regarding the installation of a sidewalk of the south side of Pickett Road was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.



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**SUBJECT: RIGHT OF WAY ACQUISITION - FUTURE SOUTHWEST DURHAM DRIVE/US 15-501 INTERCHANGE – N. C. DEPARTMENT OF TRANSPORTATION [NCDOT]**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt “An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, The Same Being Ordinance #12479” to record an increase of \$440,000 in additional funding from the N. C. Department of Transportation was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance # 12582**

**SUBJECT: REQUEST FOR CASE P02-16 – HEART OF DURHAM HOTEL SITE – L. E. TUCKETT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to hear a request from L. E. Tuckett for an expedited process for the Rezoning Case: P02-16 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND SPRINTCOM, INC.**

To authorize the City Manager to execute the ten-year lease agreement with SprintCom, Inc.

To authorize changes to be made by City Manager, provided such changes do not materially affect the intent and purpose of the lease.

Mayor Pro Tempore Cheek raised a concern about leasing property for a cell tower to be built since the City’s intention is to put the moratorium back in place so that cell towers cannot be built until the City has a master plan.

Frank Duke, Planning Director, noted the moratorium has run out.

City Manager Conner requested that this item be referred back to the administration.

**MOTION** by Council Member Stith seconded by Council Member Clement to refer this item back to the administration was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: PROPOSED SALE OF CITY TRACT #1635 - UNIVERSITY DRIVE AND LYCKAN PARKWAY - P/S ASSOCIATES, II, LLC**

**MOTION** by Council Member Clement seconded by Council Member Stith to reject P/S Associates, II, LLC's offer of \$310,000 for a portion of City Tract #1635, located at University Drive and Lyckan Parkway, Tax Map 434-02-001D, PIN 0810-01-15-2412 was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-214 STREET IMPROVEMENTS 2002 - B & B PAVING COMPANY, INCORPORATED**

Council Member Stith raised a concern about the quality of street improvements.

**MOTION** by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute a contract with B & B Paving Company, Incorporated in the amount of \$815,490; and

To establish a contingency fund for the Street Improvements 2002 project of \$286,000; and

To authorize the City Manager to negotiate change orders for Contract ST-214 Street Improvements 2002 provided that the cost of all change orders does not exceed \$286,000 and the total project cost does not exceed \$1,101,490; and

To adopt the Capital Project Ordinance amendment was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12581**

**SUBJECT: NORTH EAST CENTRAL DURHAM, INC.**

To hear comments from Jacqueline Wagstaff regarding an update on the Rolling Hills Project, funding for "Impact" youth program concerns, and Weed and Seed concerns.

Victoria Peterson expressed a concern about the upkeep of the Rolling Hills property.

City Manager Conner noted the property is in foreclosure proceedings and Council will receive an update on this property at the July 25, 2002 Council Work Session.

Attorney Blinder noted Southeast Durham Development Corporation owns the property.

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to receive comments was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WELFARE TO WORK PROGRAM – COUNTY OF DURHAM**

Mayor Pro Tempore Cheek raised a concern about contracts that have expired coming before Council after the fact.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to execute the third agreement to amend the contract for the Welfare to Work Program to extend from April 5, 2002 to March 31, 2003 for an additional \$288,000 for a total not to exceed \$1,088,265 was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM HOUSING AUTHORITY - RECEIPT AND ACCEPTANCE OF APPLICATIONS**

To receive and accept applications for a citizen to fill one (1) vacancy for a person who is directly assisted by the public housing authority; and

To appoint a citizen to the Durham Housing Authority for the position of a resident directly assisted by the public housing authority--term will expire September 28, 2005.

D. Ann Gray informed Council that they appointed Paige Farrington to the Durham Housing Authority with four votes.

**By ballot, the City Council appointed Paige Farrington to the Durham Housing Authority – term will expire September 28, 2005. Ms. Farrington received four votes.**

## **[GENERAL BUSINESS AGENDA]**

**SUBJECT: FISCAL YEAR 2002-03 BUDGET MATTERS**

Shane Benjamin, representing Durham Can, requested \$85,000 to conduct an assessment of workforce development needs.

Alice Sharpe, representing DDI, noted downtown loan program is critically vital to the continued revitalization of downtown.

Bill Kalkhof, representing DDI, spoke in support of downtown loan program.

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Mayor Bell asked the administration if there would be any prohibition if a portion of the \$1.8 million were removed from the downtown assistance loan program to the general fund.

Denise Hester urged that monies earmarked for special interest projects be redirected to fund maintenance projects and understaffed police positions in our neighborhoods.

Discussion was held on various downtown funds, revenue source for \$1.8 million, water and sewer fund.

Laura Gill noted she would check with the Local Government Fiscal Control Act to see if there would be any prohibition in transferring funds from the downtown loan assistance fund to the general fund.

Larry Hester requested nine additional officers and sidewalks for Umstead Street to Nelson Street.

City Manager Conner noted some funds will be allocated in the budget next year for replacement/restructuring sidewalks along Fayetteville Street to Umstead Street to Nelson Avenue.

Interim Police Chief Chalmers noted the 1<sup>st</sup> phase of the allocation study will come back to Council at the July 25, 2002 City Council Work Session.

Melvin Whitley, representing Durham Voters Coalition, noted he has creative ideas relative to addressing the issue of nuisance housing, boarded/vacant houses and abandon cars.

City Manager Conner noted she would like to meet with Mr. Whitley to explore ideas.

Mayor Bell spoke in support of tearing down vacant/boarded houses owned by the City.

Council Member Clement raised a concern about the property located on Elizabeth Street being a nuisance abatement.

City Manager Conner noted the Assistant City Attorney is working on developing a case.

Victoria Peterson expressed crime concerns in the neighborhood speaking in support of a vocational center.

Laura Gill presented Council with a notebook entitled *FY 2002-03 Budget Adoption Materials*.

**a) Fiscal Year 2001-02 Budget Ordinance Amendment**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt "An Ordinance Amending the 2001-02 City of Durham Budget Ordinance, the Same Being Ordinance #12336" was approved at 8:45 p.m. by the following vote: Ayes:

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Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance # 12584**

**b) Amendment to Fiscal Year 2001-02 Financial Plan for Internal Service Funds**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a “Resolution Amending Resolution #8781 Establishing FY 2001-02 Financial Plans for Internal Service Funds” was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8879**

**c) Status of Fiscal Year 2002-03 Preliminary Budget**

To receive a report from the Administration concerning changes made by the City Council and Staff to the FY 2002-03 Preliminary Budget.

Laura Gill discussed action Council took at its June 11 work session to include:

- Elimination of the solid waste availability fee (delete \$2.4 million in program revenue);
- Increase in appropriation from General Fund balance (add \$705,000 in discretionary revenue);
- Reduction of employee merit increases from 3% to 2% effective on each employee’s anniversary date (reduce \$632,000 in the General Fund nondepartmental account);
- Transfer of almost \$1.4million from the Transit Trust Fund to the General Fund, thereby reducing the General Fund transfer to the Transit Fund by almost \$1.4 million.

Also, she noted staff changes to preliminary budget as listed:

- 1) Reduction of Fund Balance Estimates. – A review of revised expenditure and revenue estimates in the General Fund indicate that departments will not save as much from their operating budgets as had been previously projected. Based on this review, staff can only recommend the appropriation of \$715,000 from fund balance in order to maintain a fund balance level of 10%. Two adjustments have been made to adjust for this reduction:
  - Revenues are recommended to increase by \$425,000 in order to recognize revenues from a future land sale.
  - Appropriations are decreased by \$926,515 to further lower the amount of the General Fund transfer to the Transit Fund.

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- 2) Transit Fund – Staff has found that appropriations exceed revenues in the Transit Fund by \$497,342. An increase in the transfer from the Transit Trust Fund to the Transit Fund is used to correct this error.

The use of the Transit Trust Fund has increased from \$1,366,682 to \$2,790,539.

Also, she made comments on the: 1) Disposition of Flagged Items taken on June 11, 2002; 2) Changes to FY 2002-03 preliminary budget; 3) Effect of Transit Trust Fund Drawdowns; 4) Flagged Items at June 6 Included in Preliminary Budget: General Fund; 5) Flagged Items at June 6 Not Included in Preliminary Budget: General Fund; 6) Flagged Items at June 6 Included in Preliminary Budget: Water & Sewer Fund; 7) Emergency Management; 8) Longevity Program Information; 9) Possible Reduction of General Fund Transfer to Ballpark; 10) Elimination of Private Property Repairs on Storm Water Rate.

Council held discussion on interlocal agreement for Emergency Management and tax collection.

Council Member Clement spoke in opposition to 2% merit increase for City employees and fund balance level of 10%.

Council Member Cole-McFadden raised a concern about category of non-assigned for general fund and water & sewer fund.

Discussion was held on longevity cap and stormwater repairs.

Mayor Pro Tempore Cheek spoke in support of some reduction in the amount of money contributed to the downtown revitalization fund.

Discussion was held on demolition of Woolworth building, proposed tax increase 1.6 cents, debt service and Barnes Avenue revitalization.

Council Member Cole-McFadden requested that non-city agencies appear before Council during the next fiscal year to make a presentation.

**d) Fee Increases**

Council held discussion on collection process for yard waste.

Laura Gill noted changes to water & sewer fund.

Council Member Cole-McFadden requested that the double rate charge for water & sewer for outside city residents be flagged for further discussion.

It was indicated by Mayor Bell that the double rate charge for water & sewer along with revisiting the Triangle Wastewater Treatment Plant will be discussed at the next Joint City/County Committee meeting.

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Council Member Clement requested the administration to provide a criteria governing any further encroachments upon the Transit Trust Fund at the July 25, 2002 City Council Work Session.

**e) Non-City Agency Contracts**

Laura Gill noted the recommended amount should be zero for Calvary Ministries.

Discussion was held on the criteria, site visits and housing code violations.

**f) Arts and Culture Agency Contracts**

Laura Gill made a presentation on this item.

**MOTION** by Council Member Best seconded by Council Member Edwards to extend the meeting beyond 10:00 p.m. was approved at 10:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**g) Capital and Grant Project Ordinances**

Laura Gill noted the Capital Improvement Program (CIP) for FY 2003 – FY 2008 will be considered by Council at its July 25, 2002 Work Session.

**h) 2002-03 City of Durham Budget Ordinance**

Laura Gill made comments on this item.

**i) Resolution Establishing 2002-03 Financial Plan for Internal Service Funds**

Laura Gill made comments on this item.

**Note : Further discussion was held on Fiscal Year 2002-03 Budget Matters later in the meeting.**

**[MEETING RECESSED FOR 15 MINUTES]**

**SUBJECT: NC 54/I-40 CORRIDOR STUDY UPDATE**

To receive a report from staff on the update of the NC 54/I-40 Corridor Study.

To direct staff to initiate a Plan Amendment to address the recommended changes in the NC 54/I-40 Corridor Study.

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**MOTION** by Council Member Clement seconded by Council Member Edwards to refer this item to the Special City Council Meeting on Tuesday, June 18, 2002 at 6:00 p.m. was approved at 10:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: FISCAL YEAR 2002-03 BUDGET MATTERS**

City Attorney Blinder stated Council voted on most of the items in the budget at the Special City Council Meeting on Tuesday, June 11, 2002 and tonight they will be dealing with flagged items.

Laura Gill gave an overview of the Disposition of Flagged Items.

A motion was by Mayor Pro Tempore Cheek seconded by Council Member Best to reduce the CAP on longevity from \$1,500 to \$1,000 with the savings to reduce property tax rate.

A substitute motion was made by Council Member Stith seconded by Council Member Clement to reduce merit increase to zero with savings to reduce property tax rate and restore longevity to \$1,500.

**SUBSTITUTE MOTION** by Council Member Stith seconded by Council Member Clement to reduce merit increase to zero with savings to reduce property tax increase rate and restore longevity to \$1,500 **FAILED** at 11:19 p.m. by the following vote: Ayes: Council Members Best, Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden and Edwards. Absent: None.

A substitute motion was made by Council Member Cole-McFadden to use funds from the downtown loan fund to keep longevity at \$1,500. Motion dies for a lack of a second.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to reduce the CAP on longevity from \$1,500 to \$1,000 with savings to go to reduce the property tax rate **FAILED** at 11:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Member Best. Noes: Council Members Clement, Cole-McFadden, Edwards and Stith. Absent: None.

A motion was made by Council Member Edwards seconded by Council Member Best to remove \$600,000 from the Downtown Assistance Fund to reduce property tax rate.

A substitute motion was made by Mayor Pro Tempore Cheek to remove \$300,000 from the Downtown Assistance Fund and \$250,000 from the Downtown Revitalization Fund to reduce property tax rate. Motion dies for a lack of a second.

**MOTION** by Council Member Edwards seconded by Council Member Best to remove \$600,000 from the Downtown Assistance Fund to reduce tax rate by 1.19 cents was approved at 11:38 p.m. by the following vote: Ayes: Mayor Bell and Council Members



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Best, Cole-McFadden and Edwards. Noes: Mayor Pro Tempore Cheek and Council Members Clement and Stith. Absent: None.

A motion was made by Council Member Clement to reduce merit to zero and fund balance from 10% to 9% to reduce tax rate. Motion dies for a lack of a second.

A motion was made by Council Member Best to reduce the 401-K contribution to zero and longevity from \$1,500 to \$1,000. Motion dies for a lack of a second.

A motion was made by Council Member Clement to move to GBA Item #21 [Domestic Partner Coverage on Benefits] for discussion. Motion dies for a lack of a second.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to place a moratorium on repairs out of Storm Water Fund [FY 2002-03] **FAILED** at 12:02 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Member Best. Noes: Council Members Clement, Cole-McFadden, Edwards and Stith. Absent: None.

**d. Fee Increases**

Laura Gill noted ordinances should be adopted instead of resolutions relative to water and sewer fees/charges.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Cheek to adopt a resolution recognizing new Yard Waste User fee; and

To adopt an ordinance for Water and Sewer Capital Facility fees; and

To adopt an ordinance for Water and Sewer charges was approved at 12:10 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden and Edwards. Noes: Council Members Best, Clement and Stith. Absent: None.

**Resolution #8880**

**Ordinance #12585**

**Ordinance #12586**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to reduce ADA Compliance by \$125,000 and transfer it to bond funds was approved at 12:12 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

**e. Non-City Agency Contracts**

Laura Gill noted appropriation for Calvary Ministries should be zero.

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to authorize the City Manager to execute Non-City Agency contracts as recommended [deleting \$27,020 Calvary Ministries]; and

To authorize the City Manager to make amendments to the Non-City Agency contracts that do not increase the contract sum was approved at 12:13 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden, Edwards and Stith. Noes: Council Members Best and Clement. Absent: None.

**Non City Agencies**

The ARC of Durham Co	\$ 11,580
Bridges Point of Durham Co.	9,650
Durham Affordable Housing Coalition	77,200
Downtown Durham, Inc.	134,027
Durham Business & Professional Chain	11,580
Durham Striders	38,600
Edgemont Community Ctr.	21,713
El Centro Hispano	35,705
Excellence By Choice	43,232
Good Work, Inc.	21,230
Hayti Development Corporation	60,000
Project Graduation	9,650
Rites of Passage (Chain)	11,580
Schoolhouse of Wonder	14,475
SEEDS	6,755
Sisterhood Agenda	4,825
Small Business & Tech. Dev. Center	6,755
Threshold	7,865
Volunteer Ctr. of Durham	9,650
W. End Community Ctr.	39,517
NECD Reinvestment	67,550
CrimeStoppers	28,950
PROUD	19,300
Durham Crisis Response Center	24,125
Durham Sentencing Services	23,722
TROSA	23,750

**f. Arts and Culture Agency Contracts**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to authorize the City Manager to execute Arts and Culture Agency contracts as recommended; and

To authorize the City Manager to make amendments to the Arts and Culture Agency contracts that do not increase the contract sum was approved at 12:13 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members

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Clement, Cole-McFadden, Edwards and Stith. Noes: Council Member Best. Absent: None.

**Arts Facilities**

Carolina Theater	\$ 472,151
Durham Arts Council	564,021
St. Joseph's Historic Foundation	283,801

**Arts Organizations**

African-American Dance Ensemble	\$ 32,000
American Dance Festival	78,000
Carlota Santana Dance Company	2,060
Carolina Wren Press	2,500
Center for Documentary Studies	9,650
Double Take Film Festival	7,500
Durham Art Guild	4,825
Durham Symphony	23,000
Friends of Durham Youth Orchestra	2,500
Mallarmè	14,475
Manbites Dog Theatre	6,275
Young People's Performing Company	1,000

**g. Capital and Grant Project Ordinances**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to adopt a General Capital Improvement Project Ordinance; and

To adopt a Water and Wastewater Capital Improvements Project Ordinance was approved at 12:14 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12587 - 12588**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to adopt the following Grant Project Ordinances was approved at 12:14 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

The City of Durham and the US Department of Justice Federal Asset Forfeiture Funds FY 2002/2003 – **Ordinance #12589**

The City of Durham and the State of North Carolina Controlled Substance Abuse Funds FY 2002/2003 – **Ordinance # 12590**

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Revision of Grant Project Ordinance #12520 for the City of Durham and Raleigh Durham International Airport Security Services Initiative – **Ordinance #12591**

Revision of Grant Project Ordinance #12413 Concerning the City of Durham North Carolina and Department of Crime Control and Public Safety Police Corps Program – **Ordinance #12592**

Revision of Grant Project Ordinance #12400 Concerning the City of Durham Organized Crime Drug Enforcement Task Force/Federal Bureau of Investigation Agreement – **Ordinance # 12593**

Revision of Grant Project Ordinance #12401 Concerning the City of Durham Organized Crime Drug Enforcement Task Force/Drug Enforcement Administration Agreement - **Ordinance # 12594**

Revision of Grant Project Ordinance #11843 Concerning the City of Durham and the US Department of Justice Federal Asset Forfeiture Funds FY 1999/2000 – **Ordinance #12595**

Revision of Grant Project Ordinance #11829 Concerning the City of Durham and the US Department of Justice Office of Community Oriented Policing (COPS) – **Ordinance #12596**

Revision of Grant Project Ordinance #11933 Concerning the City of Durham and the US Department of Justice Office of Community Oriented Policing (COPS in Schools) – **Ordinance #12597**

The City of Durham and the US Department of Justice Bulletproof Vest Partnership Grant Project Ordinance FY 2002/2003 – **Ordinance # 12598**

The City of Durham and the Governor's Crime Commission "Criminal Data Sharing Initiative" Grant Project Ordinance FY 2002/2003 – **Ordinance #12599**

Revision of Grant Project Ordinance #12523 Concerning the City of Bureau of Alcohol, Tobacco, and Firearms (ATF) Violent Crimes Task Force Initiative – **Ordinance #12600**

The City of Durham and North Carolina Department of Crime Control and Public Safety Governor's Crime Commission Grant for Project Fac El Centro Hispano – FY 2001-2003 - **Ordinance #12601**

The City of Durham Employment and Training Grant project Ordinance Superseding Ordinance #12335 for Federal Grant FY 2001-2003 – **Ordinance #12602**

The City of Durham Employment and Training Grant Project Ordinance July 2002 until all funds are expended – **Ordinance #12603**

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The City of Durham Employment and Training Grant Project Ordinance For Federal Grant July 1, 2002 – June 30, 2004 – **Ordinance #12604**

The City of Durham Grant Project Ordinance U.S. Equal Employment Opportunity Commission until all funds are expended – **Ordinance #12605**

The City of Durham Grant Project Ordinance Remainder Funding For Human Relations Department FY 2002-2003 – **Ordinance #12606**

The City of Durham Grant Project Ordinance Amending Ordinance #12327 FY 2001-2002 Transit Section 9 Capital Grant – **Ordinance #12607**

The City of Department and North Carolina Department of Transportation Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance – FY 2002-2003 – **Ordinance # 12608**

Revision of Grant Project Ordinance #12460 Concerning the City of Durham and the Raleigh-Durham Area Violent Crimes/Fugitive Task Force (RDAVCFTF) Initiative **Ordinance #12609**

Revision of Grant Project Ordinance #12169 Concerning the City of Durham and the State of North Carolina “Controlled Substance Abuse Funds” Project Ordinance FY 2000/2001 – **Ordinance #12610**

**h. 2002-03 City of Durham Budget Ordinance**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to adopt the “2002-03 City of Durham Budget Ordinance” as amended was approved at 12:15 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden and Edwards. Noes: Council Members Best, Clement and Stith. Absent: None.

**Note: See June 18, 2002 City Council Meeting for adoption of budget ordinance.**

**i. Resolution Establishing 2002-03 Financial Plan for Internal Service Funds**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt a “Resolution Establishing FY 2002-03 Financial Plans for Internal Service Funds” was approved at 12:16 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8881**

**SUBJECT: COUNTY TAX COLLECTION AGREEMENT – DURHAM COUNTY**

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Nav Gill, Finance Director, made a presentation on this item giving an overview of tax collection inter-local agreement [see June 17, 2002 handout]. He noted Council will receive a report from the administration at the October 21, 2002 City Council Meeting and a report from the County Tax Administrator after the first quarter of next fiscal year.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to extend the inter-local agreement with Durham County for the collection of taxes for a period ending July 1, 2003 under the existing terms; and to process RFP to determine the cost and practicality of outsourcing the tax collection functions was approved at 12:22 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: DOMESTIC PARTNER COVERAGE ON BENEFITS**

Cynthia Booth urged Council to not consider passing providing health care benefits to domestic partners.

Victoria Peterson raised a concern about this item making comments about the state law.

Kim Walker spoke in opposition to this policy noting it violates biblical principles relating to marriage.

Van McNeill spoke in support of this item making comments about the non-discrimination clause in the EEO policy.

City Attorney Henry Blinder noted it does not violate state law for Council to provide this benefit and it is not a legal obligation under the current law to offer benefit.

**MOTION** by Council Member Clement seconded by Council Member Cole-McFadden to receive a report on including domestic partners for coverage with the City of Durham's health and dental plans; and

To authorize the City Manager to offer employees the option of covering their domestic partners **FAILED** at 12:50 a.m. by the following vote: Ayes: Mayor Bell and Council Members Clement and Cole-McFadden. Noes: Mayor Pro Tempore Cheek and Council Members Best, Edwards and Stith. Absent: None.

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: ORDERING PETITIONED IMPROVEMENT – SEWER MAIN GRANDALE DRIVE**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**JUNE 17, 2002**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt a resolution ordering a Sewer Main on Grandale Drive from Sedwick Road to the north property line of Tax Map 531-1-10 was approved at 12:51 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ORDERING PETITIONED IMPROVEMENT – WATER MAIN – GRANDALE DRIVE**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a resolution ordering a Water Main on Grandale Drive from Sedwick Road to the north property line of Tax Map 531-1-10 was approved at 12:51 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[ITEMS ADDED TO THE AGENDA]**

**SUBJECT: COMPENSATION FOR COUNCIL EMPLOYEES - CITY MANAGER – CITY ATTORNEY – CITY CLERK**

Council Member Cole-McFadden announced that Council took the following action at its Special City Council Meeting held earlier:

Bonus for City Manager \$2,500 [Approved – Vote 6/0] Absent At Time of Vote: Council Member Edwards.

Two-percent merit for City Manager [Approved – Vote 4/2] Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement and Stith. Noes: Council Member Best and Cole-McFadden. Absent At Time of Vote: Council Member Edwards.

Bonus for City Clerk \$1,250 and 2% merit [Approved – Vote 6/0]

Bonus for City Attorney \$2,000 and 2% merit [Approved – Vote 6/0]

Mayor Bell stated the closed session was for the purpose of setting salaries and Council moved into open session for the purpose of recording recommendations of Council.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt an ordinance setting the annual base salaries of the City Manager, the City Attorney and the City Clerk was approved at 12:54 a.m. by the following vote: Ayes:

**JUNE 17, 2002**

Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12583**

**SUBJECT: RESOLUTION IN RECOGNITION OF THE UPCOMING TRIP OF MAYOR AND MRS. BELL - TSHINGDAO, CHINA**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution in recognition of the upcoming trip of Mayor and Mrs. Bell to the U. S. - China Forum and International Ocean Festival in Tshingdao, China was approved at 12:56 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8878**

**SUBJECT: UPDATE OPTIONS FOR THE MULTI-MODAL TRANSPORTATION CENTER - MERCHANT'S, INC. - 317-319 PETTIGREW STREET**

Betty Pittard of the Real Estate Department provided Council with a June 127, 2002 handout highlighting the \$1,00,000 option, appraisal, noted option with Merchant has expired and an agreement has been negotiated that they would do environmental clean up. She urged Council to approve the acquisition of this property escrowing \$200,000 for the environmental remediation.

Mayor Pro Tempore Cheek expressed concern about remediation of certain materials being extremely expensive.

Betty Pittard noted if the remediation costs more that \$200,000, Merchant, Inc. would be liable for it as outlined in the option and escrow agreements.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to find that it is necessary in the public interest and in promotion of the public safety, convenience and welfare that the property located at 317-319 Pettigrew Street, Tax Map 039-04-001, PIN 0821-12-77-9338, property of Merchant's, Inc. be acquired for \$1,000,000; and

To authorize the City Manager to execute the Escrow Agreement and authorize changes to be made to the Escrow Agreement by the City Manager, provided such changes do not materially affect the intent and purpose of the agreements was approved at 1:00 a.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes. Mayor Pro Tempore Cheek. Absent: None.



**JUNE 17, 2002**

**SUBJECT: CLOSED SESSION – PERSONNEL MATTER**

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cheek to go into a closed session to consult with the City Manager regarding the performance of a city employee issue pursuant to G.S. 143-318.11(a)(6) was approved at 1:01 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[OPEN SESSION]**

No action was taken by Council.

There being no further business to come before the city council, the meeting adjourned at 1:06 a. m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk